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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,000	02/14/2001	Hui-Wen Cheng	EM/CHENG/6538	2040

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Alexandria, VA 22314

EXAMINER

NAJARIAN, LENA

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,000

Applicant(s)

CHENG, HUI-WEN

Examiner

Lena Najarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cummings, Jr et al. (US 6,345,260 B1).

(A) Referring to claim 1, Cummings discloses a method of watching a person to be diagnosed/treated in time comprising the following steps carried out in a computer system (col. 4, lines 17-19 of Cummings):

a) determining time for a person to be diagnosed/treated according to medical criteria on his/her medical data recorded in a medical database of persons (col. 7, line 65 – col. 8, line 9 & col. 3, lines 1-4 of Cummings; the Examiner interprets “schedule an appointment” to be a form of “determining time for a person to be diagnosed/treated”);

b) notifying said person to be diagnosed/treated according to the determined time in advance the determined time (col. 2, lines 37-40 of Cummings);

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c) reminding said person of the determined time if said computer system should fail to receive a confirmation of said person's diagnosis/treatment after the determined time (col. 5, lines 56-59 & col. 8, lines 51-57 of Cummings); and

d) entering diagnosis/treatment data of said person into the medical database of persons, if said computer system receives the confirmation (col. 2, lines 21-29 & col. 9, lines 46-53 of Cummings).

(B) Referring to claim 2, Cummings discloses in which said diagnosis/treatment to be applied to the person is health examination, and the medical database is a database of health examination data (col. 1, lines 13-20 & col. 8, lines 22-29; the Examiner interprets "medical testing service" to be a form of "health examination").

(C) Referring to claim 4, Cummings discloses in which said notifying or said reminding step adopt a WAP system (col. 9, lines 57-59, col. 4, lines 60-63, & col. 5, lines 15-20 of Cummings).

(D) Referring to claim 5, Cummings discloses a system of watching a person to be diagnosed/treated in time comprising:

a database server;

a network server; and

communication means;

wherein said database server is built-in with a medical database and with a software, so that (col. 5, lines 21-24, col. 8, lines 58-67, and Fig. 1 of Cummings)

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A) said database server determines time for a person to be diagnosed/treated according to his/her medical data recorded in said medical database (col. 7, line 65 – col. 8, line 9 & col. 3, lines 1-4 of Cummings; the Examiner interprets “schedule an appointment” to be a form of “determines time for a person to be diagnosed/treated”);

B) said network server and said communication means notify said person to be diagnosed/treated according to the determined time in advance the determined time (col. 2, lines 37-40 of Cummings); and

C) said network server and said communication means remind said person of the determined time for the diagnosis/treatment if said network server should fail to receive a confirmation of said person's diagnosis/treatment after the determined time (col. 5, lines 56-59 & col. 8, lines 51-57 of Cummings).

(E) Claim 6 repeats the same limitations of claim 2, and is therefore rejected for the same reasons given for that claim.

(F) Referring to claim 8, Cummings discloses in which said communication means comprises a WAP system (col. 5, lines 15-20 of Cummings).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings, Jr. et al. (US 6,345,260 B1) in view of Green (6,116,910).

(A) Referring to claim 3, Cummings does not disclose in which said reminding is once per day.

Green discloses a daily reminder (col. 2, line 39 of Green).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Green within Cummings. The motivation for doing so would have been for patients to avoid missing appointments (col. 1, line 25 of Green).

(B) Claim 7 repeats the same limitations of claim 3, and is therefore rejected for the same reasons given for that claim.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is (703) 305-0260. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

In
1-18-05
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600